3/19/72

Mr. Martin
Senator Edward Kennedy
Senate Office Bldg.
Washington, D.C.

Dear Mr. Martin,

There are a number of things of which I think you should know of which I have not written you because there is a limit to the time I can devote to what appears to be futilitys and because I do not intend personal embarrassment to you or your Senator. I have never known knowledge to be hurtful. Ignorance can be.

Thus, for example, I have not sent you copies of my own records involving Mr. Kleindienst and on the two most basic issues: is he a liar (indeed, a repetitive liar); and his attitude toward the most basic legal rights. I feel as I have from the first, that there is no safe middle position for the Senator on anything at all related to assassinations. I feel his interest is served by total detachment from the subject or a vigorous position.

However, on today's radio reports of the response he has sent to your Senator, he is entirely consistent with his dishonesty and illegality with me.

All investigative files are not exempt under the law. Those that are exempt under the law can and do lose their exempt status upon any kind is use by the executive branch (American Mail Lines v. Gulick, decided in federal court in Washington). The exact language of the exemption is:

"(7) investigatory files compiled for law enforcement purposes except to the extent available by law to a private party."

I have never known a single among the many times Mr. Kleindienst has invoked this exemption that he has quoted it fully or faithfully and I have know the Attorney General, no pillar of liberalism, to over-rule him.

So, for such a file to begin to enjoy any exemption, it must have been compiled for a law-enforcement and no other purpose; and it must then not be available "by law to a private party". And above all this, must not have been used in any way by the government.

Under the law, 5 U.S.C. 552, were you or anyone else to file for what you have asked and been refused, it is required to go to the head of the docket. You might want to read subsection (c). Among other things, it places the burden of proof on the government.

Sincerely,

Harold Weisberg